



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

June 13, 2013
Agenda Item No. 2:

SUBJECT: Uptown Newport Parcel Map - (PA2013-085)
4311 & 4321 Jamboree Road
▪ Tentative Parcel Map No. NP2013-010
▪ County Tentative Parcel Map No. TPM No. 2013-108

APPLICANT: Uptown Newport LP

PLANNER: Rosalinh Ung, Associate Planner
(949) 644-3208, rung@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** Uptown Newport PC
- **General Plan:** MU-H2 (Mixed Use District Horizontal 2)

PROJECT SUMMARY

A Tentative Parcel Map to subdivide the existing two parcels into four parcels for future conveyance purposes. No development or improvements are proposed as a part of this application.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. __, approving Tentative Parcel Map No. NP2013-010 (Attachment No. ZA 1).

BACKGROUND

On February 26, 2013, the City Council approved the following requests to accommodate the Uptown Newport mixed-use residential planned community of up to 1,244 residential units, 11,500 square feet of retail use, and two acres of public park space.

- Environmental Impact Report No. ER2012-001 (SCH#2010051094): An Environmental Impact Report (EIR) to evaluate the environmental impacts resulting from the proposed project, in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.).
- Planned Community Development Plan Amendment No. PD2011-003: An amendment to Planned Community Development Plan #15 (Koll Center Newport Planned Community) to remove the subject property from the Koll Center Newport Planned Community, pursuant to Chapter 20.66 (Amendments) of the Municipal Code.
- Planned Community Development Plan Adoption No. PC2012-001: A Planned Community Development Plan (PCDP) adoption to establish the allowable land uses, general development regulations, and implementation and administrative procedures.
- Tentative Tract Map No. NT2012-002: A tentative tract map to establish lots for residential development purposes pursuant to Title 19 of the Municipal Code.
- Traffic Study No. TS2012-005: A traffic study pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the Municipal Code.
- Affordable Housing Implementation Plan No. AH2012-001: A program specifying how the proposed project would meet the City's affordable housing requirements, pursuant to Chapter 19.53 (Inclusionary Housing) and Chapter 20.32 (Density Bonus) of the Municipal Code.
- Development Agreement No. DA2012-003: A Development Agreement between the applicant and the City of Newport Beach describing development rights and public benefits, pursuant to Section 15.45.020.A.2.a & c of the Municipal Code and General Plan Land Use Policy LU6.15.12.

The project will be built in two separate phases. Phase 1 will include up to 680 residential units and up to 11,500 square feet of retail space, and would commence in 2013 and be completed in 2018.

Phase 2 will include the remaining 564 residential units on the easterly portion of the property. Timing for Phase 2 construction is contingent on the existing lease of the TowerJazz facility, which will expire in March 2017, but could be extended to March 2027 by TowerJazz.

DISCUSSION

The applicant is proposing a tentative parcel map to subdivide the existing two parcels located on the Uptown Newport site into four parcels as follow:

- Parcels 1 and 3 will be conveyed to merchant builders in Phase 1. Parcels 2 and 4 will be conveyed to future builders when the development of Phase 2 is ready to proceed.
- A future map or application for development purposes must be processed in order for any development on the site or the property to occur in accordance with the Newport Beach Municipal Code and the Uptown Newport Planned Community Development Plan.
- A Declaration of Easements is proposed to be recorded concurrent with the recordation of the proposed tentative parcel map for ingress, egress, reciprocal parking and traffic circulation, and utilities (Attachment ZA3).
- The proposed Declaration of Easements provides for the following:
 1. Easement for Vehicular and Pedestrian Access and Circulation (affecting all Parcels). Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcels 2 and 3, for the benefit of Parcels 2 and 3, and its owner(s) and occupants, non-exclusive easements over those areas of Parcels 1 and 4 that are, or may in the future be, improved with driveways and vehicular and pedestrian access ways that abut Jamboree Road (*"Driveway Improvements"*) for purposes of vehicular and pedestrian ingress, egress, and access to and from Jamboree Road.
 2. Reciprocal Easement for Parking and Circulation (affecting Parcels 1 and 3). Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcels 1 and 3, for the reciprocal benefit of each said Parcel and its owner(s) and occupants, non-exclusive, reciprocal easements for vehicular parking and vehicular and pedestrian ingress and egress, and traffic circulation over those areas of Parcels 1 and 3 that are, or may in the future be, improved with driveways and vehicular and pedestrian access ways and parking stalls so as to facilitate shared parking within all parking stalls established on said Parcels, and vehicular and pedestrian circulation within and between said Parcels.
 3. Utilities Easement (affecting all Parcels). Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcels 1 and 4, for the benefit of Parcels 1 and 4, and its owner(s) and occupants, non-exclusive easements (*"Utility Easement"*), ten-foot in width or as otherwise required by the applicable utility company, over, upon, under and across those areas of Parcels 2

and 3 containing the Existing Utility Improvements, for the use, maintenance, repair and replacement of such Existing Utility Improvements, together with the right to relocate said easement area and such Existing Utility Improvements as may be determined by Declarant, in its sole but reasonable discretion, to accommodate the future development of the Parcels.

4. Term of Declaration. The easements established and reserved herein are perpetual, but will terminate upon the recordation of Tract Map No. 17438 encompassing the Parcels or the execution of an instrument terminating same; provided, however, that in the latter case, the express written consent of the City of Newport Beach shall be required for such termination to be effective.
- Prior to development of the site pursuant to the Uptown Newport Planned Community Development Plan, Final Maps to implement the proposed parcels and improvements shown on Tentative Tract Map No. 17438 will be submitted to the City for review and approval. It is anticipated that two final maps will be processed for Uptown Newport: a final map for the Phase 1 portion of the property, and; a second final map for the Phase 2 portion of the property. The applicable conditions of approval for Tentative Tract Map No. 17438 will be cleared as part of the recordation for these final maps.

ENVIRONMENTAL REVIEW

All significant environmental concerns for the proposed project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), and the City of Newport Beach intends to use said document for the above noted project, and further that there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov/ceqadocuments.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within ten (10) days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Rosalinh Ung
Associate Planner

GR/ru

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Draft Declaration of Easements
	ZA 4	Tentative Parcel Map No. NP2013-010

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-010 FOR A FOUR-LOT SUBDIVISION LOCATED AT 4311-4321 JAMBOREE ROAD (PA2013-085)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Uptown Newport LP, property owner, with respect to property located at 4311-4321 Jamboree Road, and legally described as Lots 1 and 2 of Tract No. 7953, in the City of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 310, Pages 7 to 11 inclusive of miscellaneous maps in the Office of the County Recorder of Orange County, State of California requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map application to create four (4) legal parcels for conveyance purposes. No exceptions to Title 19 (Subdivision Code) development standards are proposed with this application. Tentative Tract Map No. 17438 was approved by the City Council on February 26, 2013, to accommodate the Uptown Newport mixed-use residential planned community of up to 1,244 residential units, 11,500 square feet of retail use, and two acres of public park space.
3. The property is currently improved with two existing industrial buildings, surface parking lots, driveways, and ancillary improvements. No development or improvements are proposed as part of this application.
4. The subject property is located within the Airport Business Area and has a General Plan designation of Mixed-Use District Horizontal-2 (MU-H2). The Uptown Newport Planned Community Development Plan (Uptown Newport PC) has been adopted to regulate development within the subject property.
5. The subject property is not located within the Coastal Zone.
6. A public hearing was held on June 13, 2013 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. All significant environmental concerns for the proposed project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), and the City of Newport Beach intends to use said document for the

above noted project. Furthermore, there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov/cegadocuments

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

- A-1. The Property has a General Plan designation of Mixed-Use District Horizontal-2 (MU-H2), and the Property is located within the Airport Business Area. The Uptown Newport PC has been adopted to regulate development within the subject property.
- A-2. The proposed tentative parcel map will create four legal parcels: Parcels 1 and 3 will be conveyed to merchant builders for Phase 1 development and Parcels 2 and 4 will be conveyed to future builders for Phase 2 development.
- A-3. Section 19.04.035 "Development Across Property Lines" prohibits construction of a principal or accessory structure across a lot line. There is an existing condition where an overhead canopy along the corridor connecting the two existing buildings on the property crosses through the property line. This condition will continue to remain between Parcel's 1 and 4. It should be noted, however, that this is an existing condition and that the existing property line, as currently mapped, has this same condition.
- A-4. No development or improvements are proposed with the proposed tentative parcel map. Any improvements will require future application submittals and approvals. Prior to development of the site pursuant to the Uptown Newport PC, subsequent final maps to implement the proposed parcels and improvements shown on Tentative Tract Map No. 17438 will be submitted to the City for review and approval.
- A-5. The Uptown Newport PC permits the existing industrial development as an allowed interim use until the existing TowerJazz lease expires, or until March 2027, whichever occurs first.

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

B-1. No development or improvements are proposed with the proposed tentative parcel map. Any improvements will require future application submittals and approvals as required per the Uptown Newport PC.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

C-1. This project has been reviewed and is deemed consistent with the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094) for the Uptown Newport project.

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

D-1. No development or improvements are proposed with the proposed tentative parcel map. Any improvements will require future application submittals and approvals as required by the Uptown Newport PC. All future development or construction will require future applications and approvals and will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be

provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Facts in Support of Finding:

- E-1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.
- E-2. A Declaration of Easements is proposed to be recorded concurrent with the recordation of this tentative parcel map for ingress, egress, reciprocal parking and traffic circulation, and utilities. The Declaration of Easements provides for access, circulation, parking, and utility services to serve each of the four proposed parcels.

Finding:

- F. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

- F-1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.

Finding:

- G. *That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

- G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code because the proposed subdivision does not contain 50 or more parcels.
- G-2. The project is located within the Uptown Newport PC, which permits the existing industrial development as an allowed interim use until the existing TowerJazz lease

expires, or until March 2027, whichever occurs first. The project is consistent with the Uptown Newport PC.

Finding:

- H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

- H-1. The proposed parcel map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

- I-1. The tentative parcel map proposes the subdivision of two lots into four lots. No development or improvements are proposed. Any improvements will require future application submittals and approvals. Therefore, the proposed tentative parcel map will not affect the City in meeting its regional housing need.

Finding:

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

- J-1. No development or improvements are proposed. Existing wastewater discharge into the existing sewer system are designed to comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding:

- K-1. The project is not located within the Coastal Zone, and therefore, is not applicable in regards to conformance with the certified Local Coastal Program and public access and recreation policies of Chapter Three of the Coastal Act.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2013-010, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF JUNE, 2013.

By:

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Uptown Newport Parcel Map including, but not limited to, Tentative Parcel Map No. NP2013-010 (PA2013-085). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
4. This parcel map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Director of Community Development in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.
5. All existing City easements along Jamboree Road shall remain.
6. The approval of Tentative Parcel Map No. NP2013-010 shall be for financing and conveyance purposes only.

7. Any development of the numbered lots created by the approval of this parcel map shall require further discretionary approvals, at which time conformance to the development standards and land use regulations established by the Uptown Newport Planned Community Development Plan.
8. Prior to development of the site pursuant to the Uptown Newport PC, Final Map(s) to implement the proposed parcels and improvements shown on Tentative Tract Map No. 17438 shall be submitted to the City for review and approval.
9. An access easement shall be provided for each parcel onto all other parcels.
10. A Declaration of Easements shall be reviewed and approved by the Public Works Department and recorded concurrent with the recordation of Tentative Parcel Map No. NP2013-010 for ingress, egress, reciprocal parking and traffic circulation, and utilities.

DRAFT

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Tentative Parcel Map No. NP2013-010
PA2013-085
Uptown Newport
4311 & 4321 Jamboree Road

Attachment No. ZA 3

Draft Declaration of Easements

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Gromet & Associates
114 Pacifica, Suite 250
Irvine, California 92618
Attn: Mickey Y. Adkinson, Esq.

APN Nos. 445-131-02 and -03

(space above line for recorder's use)

DECLARATION OF EASEMENTS

(Ingress, Egress, Reciprocal Parking and Traffic Circulation, and Utilities)

THIS DECLARATION OF RECIPROCAL EASEMENTS (this "***Declaration***") is made as of _____, 2013, by UPTOWN NEWPORT, LP, a Delaware limited partnership ("***Declarant***").

RECITALS:

A. Declarant is the fee owner of four separate and contiguous legal parcels, situated in the City of Newport Beach, County of Orange, State of California, more particularly described in **Exhibit "A"** attached hereto, and incorporated herein by this reference, being known as "***Parcel 1***", "***Parcel 2***", "***Parcel 3***", and "***Parcel 4***" of Parcel Map No. 2013-18, recorded in Book ___, Page ___ through ___, inclusive, of Maps (hereinafter sometimes collectively referred to as the "***Parcels***", and individually referred to as a "***Parcel***").

B. Parcel 1 and Parcel 4 abut and have, or will in the future have, direct vehicular and pedestrian access to Jamboree Road, along a portion of each of their southeastern boundary. Parcel 1 and Parcel 4 are currently improved with commercial buildings and parking stalls. Parcel 2 and Parcel 3 are currently improved with parking stalls, as well as utility lines, pipes, conduits, sleeves, and related facilities ("***Existing Utility Improvements***") which serve Parcel 1 and Parcel 4. A graphic depiction of the configuration of each Parcel is shown on **Exhibit "B"** attached hereto and incorporated herein by this reference.

C. Declarant deems it desirable to execute and record this instrument in the Official Records of Orange County to establish as a matter of public record easements for pedestrian and vehicular ingress, egress, parking and traffic circulation, and for utility lines and facilities throughout the Parcels.

NOW, THEREFORE, Declarant hereby covenants, agrees and declares that all of its interest as the same may from time to time appear in the Parcels shall be held and conveyed subject to the following easements which are hereby declared to be for the benefit of said interests in the Parcels, and the owners of said interests, their successors and assigns. These covenants, conditions and restrictions and easements shall run with said interests and shall be binding upon all parties having or acquiring any right or title in said interests or any part thereof, and shall inure to the benefit of each owner thereof and are imposed upon said interests and every part thereof as a servitude in favor of each and every of said interests as the

dominant tenement or tenements. The express written consent of the City of Newport Beach shall be required for any modification or termination of this Declaration to be effective.

1. Easement for Vehicular and Pedestrian Access and Circulation (affecting all Parcels). Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcels 2 and 3, for the benefit of Parcels 2 and 3, and its owner(s) and occupants, non-exclusive easements over those areas of Parcels 1 and 4 that are, or may in the future be, improved with driveways and vehicular and pedestrian access ways that abut Jamboree Road ("***Driveway Improvements***") for purposes of vehicular and pedestrian ingress, egress, and access to and from Jamboree Road.

If such Driveway Improvements do not currently exist on Parcel 4, then until such time as such Driveway Improvements are constructed on Parcel 4, Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcel 4, for the benefit of Parcel 4, and its owner(s) and occupants, a non-exclusive easement over that area of Parcel 3 that are improved with a driveway and vehicular and pedestrian access ways that abut Jamboree Road for purposes of vehicular and pedestrian ingress, egress, and access to and from Jamboree Road.

2. Reciprocal Easement for Parking and Circulation (affecting Parcels 1 and 3). Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcels 1 and 3, for the reciprocal benefit of each said Parcel and its owner(s) and occupants, non-exclusive, reciprocal easements for vehicular parking and vehicular and pedestrian ingress and egress, and traffic circulation over those areas of Parcels 1 and 3 that are, or may in the future be, improved with driveways and vehicular and pedestrian access ways and parking stalls so as to facilitate shared parking within all parking stalls established on said Parcels, and vehicular and pedestrian circulation within and between said Parcels.

3. Utilities Easement (affecting all Parcels). Declarant hereby declares and reserves, together with the right and obligation to grant same to any successor owner(s) of Parcels 1 and 4, for the benefit of Parcels 1 and 4, and its owner(s) and occupants, non-exclusive easements ("***Utility Easement***"), ten-foot in width or as otherwise required by the applicable utility company, over, upon, under and across those areas of Parcels 2 and 3 containing the Existing Utility Improvements, for the use, maintenance, repair and replacement of such Existing Utility Improvements, together with the right to relocate said easement area and such Existing Utility Improvements as may be determined by Declarant, in its sole but reasonable discretion, to accommodate the future development of the Parcels.

4. Term of Declaration. The easements established and reserved herein are perpetual, but will terminate upon the recordation of a Tract Map encompassing the Parcels or the execution of an instrument terminating same; provided, however, that in the latter case, the express written consent of the City of Newport Beach shall be required for such termination to be effective.

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the date first above written.

"Declarant"

UPTOWN NEWPORT LP, a Delaware limited partnership

By: G&I VI Newport Corp., a Delaware corporation, general partner

By:

Print Name:

Title:

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PARCELS

PARCEL 1

That certain real property situated in the City of Newport Beach, Orange County, California described as follows:

PARCEL 2

That certain real property situated in the City of Newport Beach, Orange County, California described as follows:

PARCEL 3

That certain real property situated in the City of Newport Beach, Orange County, California described as follows:

PARCEL 4

That certain real property situated in the City of Newport Beach, Orange County, California described as follows:

EXHIBIT "B"

SITE PLAN DEPICTING THE PARCELS AND THE STREET IMPROVEMENTS

[see attached page]

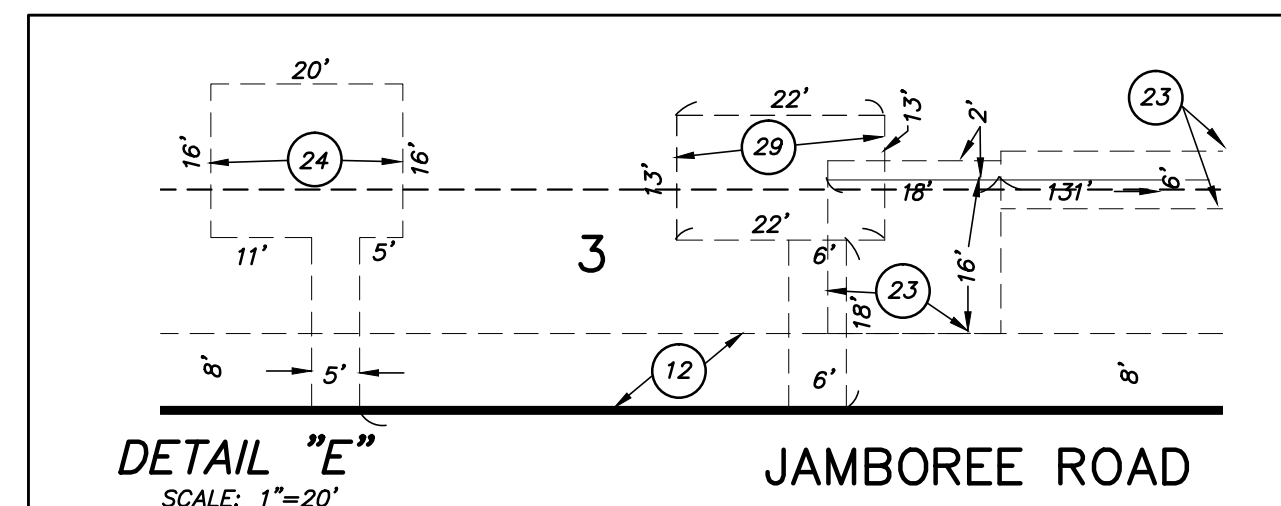
Attachment No. ZA 4
Tentative Parcel Map No. NP2013-010

- (9) A GRANT OF EASEMENT DATED NOVEMBER 2, 1972 EXECUTED BY AND BETWEEN COLLINS RADIO COMPANY, DON KOLL COMPANY, INC. AND KOLL CENTER NEWPORT AS SET FORTH IN SECTION 1.04, 1.05 (A PORTION THEREOF), 1.06, 1.08, 1.10 AND 1.11 RECORDED NOVEMBER 6, 1972 IN BOOK 10013, PAGE 573 OF OFFICIAL RECORDS.
- (12) AN EASEMENT FOR POLE LINES, CONDUITS AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON RECORDED AS BOOK 11074, PAGE 182 OF OFFICIAL RECORDS.
- (15) AN EASEMENT FOR POLE LINES, CONDUITS AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON RECORDED AS BOOK 11077, PAGE 1117 OF OFFICIAL RECORDS.
- (16) A NON-EXCLUSIVE EASEMENT FOR PURPOSES OF INGRESS AND EGRESS AS RESERVED IN THE DEED RECORDED MAY 7, 1974 IN BOOK 11137, PAGE 1008 OF OFFICIAL RECORDS OVER A PORTION OF SAID PARCEL B-1.
- (18) AN EASEMENT FOR STORM DRAIN AND INCIDENTAL PURPOSES IN FAVOR OF KOLL CENTER NEWPORT, A LIMITED PARTNERSHIP, RECORDED AS BOOK 11137, PAGE 1020 OF OFFICIAL RECORDS.
- (23) AN EASEMENT FOR ELECTRICAL SUPPLY AND COMMUNICATIONS SYSTEMS AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON RECORDED MARCH 7, 1990 AS INSTRUMENT NO. 90-120897 OF OFFICIAL RECORDS.
- (24) AN EASEMENT FOR COMMUNICATION FACILITIES AND INCIDENTAL PURPOSES IN FAVOR OF PACIFIC BELL RECORDED JULY 3, 1991 AS INSTRUMENT NO. 91-346219 OF OFFICIAL RECORDS.
- (25) AN EASEMENT FOR MAINTENANCE AND OPERATION OF AN ELECTRICAL SUBSTATION AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON RECORDED SEPTEMBER 3, 1992 AS INSTRUMENT NO. 92-594041 OF OFFICIAL RECORDS.
- (29) AN EASEMENT FOR TELECOMMUNICATIONS FACILITIES AND INCIDENTAL PURPOSES IN FAVOR OF COXCOM INC., D/B/A COX COMMUNICATIONS ORANGE COUNTY, RECORDED NOVEMBER 15, 2005 AS INSTRUMENT NO. 2005000916240 OF OFFICIAL RECORDS.
- (30) GRANT AND QUITCLAIM OF EASEMENTS FOR PASSAGE INCLUDING THE RIGHT TO MAINTAIN DRIVEWAYS, ROADWAYS, SIDEWALKS AND PASSAGEWAYS RECORDED MAY 26 1978 IN BOOK 12690 PAGE 854 OF OFFICIAL RECORDS.
- (31) ALL VEHICLE ACCESS RIGHT TO JAMBOREE BOULEVARD, EXCEPT AT STREET INTERSECTIONS AND PRIVATE DRIVES, DEDICATED ON TRACT 7953 M.M. 310/7-10.

THE TERMS AND PROVISIONS ESTABLISHING NEW DRIVEWAY AREAS AS CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF VEHICULAR ACCESS RIGHTS" RECORDED IN BOOK 12544, PAGE 769 OF OFFICIAL RECORDS. SAID RIGHTS TO BE ABANDONED AND RE-ESTABLISHED ON FINAL TRACT MAP.

PARCEL NO.	AREA AC
1	5.67
2	0.74
3	5.74
4	12.90
GROSS AREA:	
NET DEVELOPABLE AREA:	

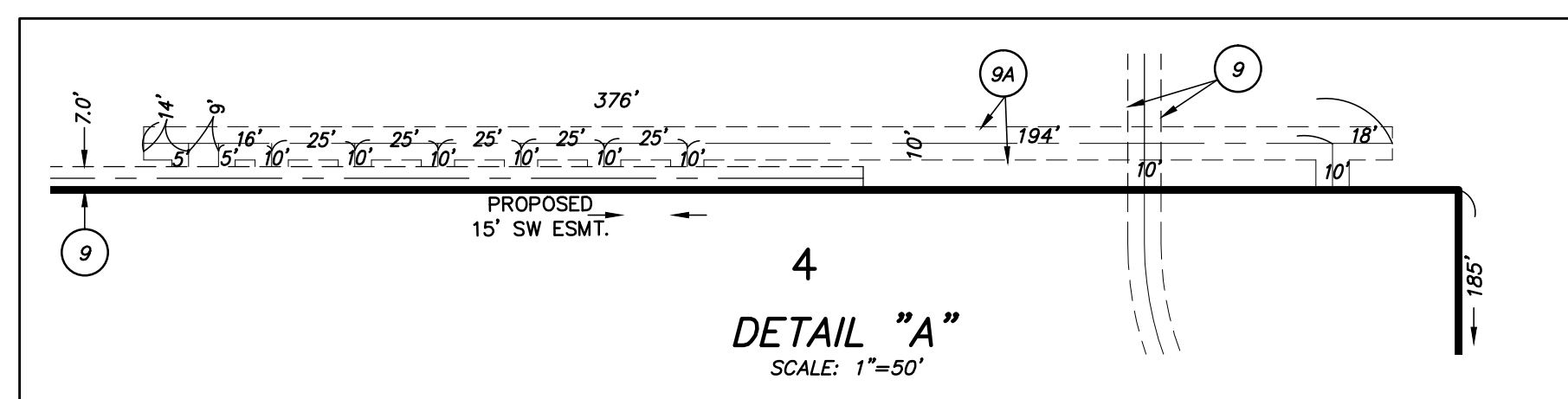
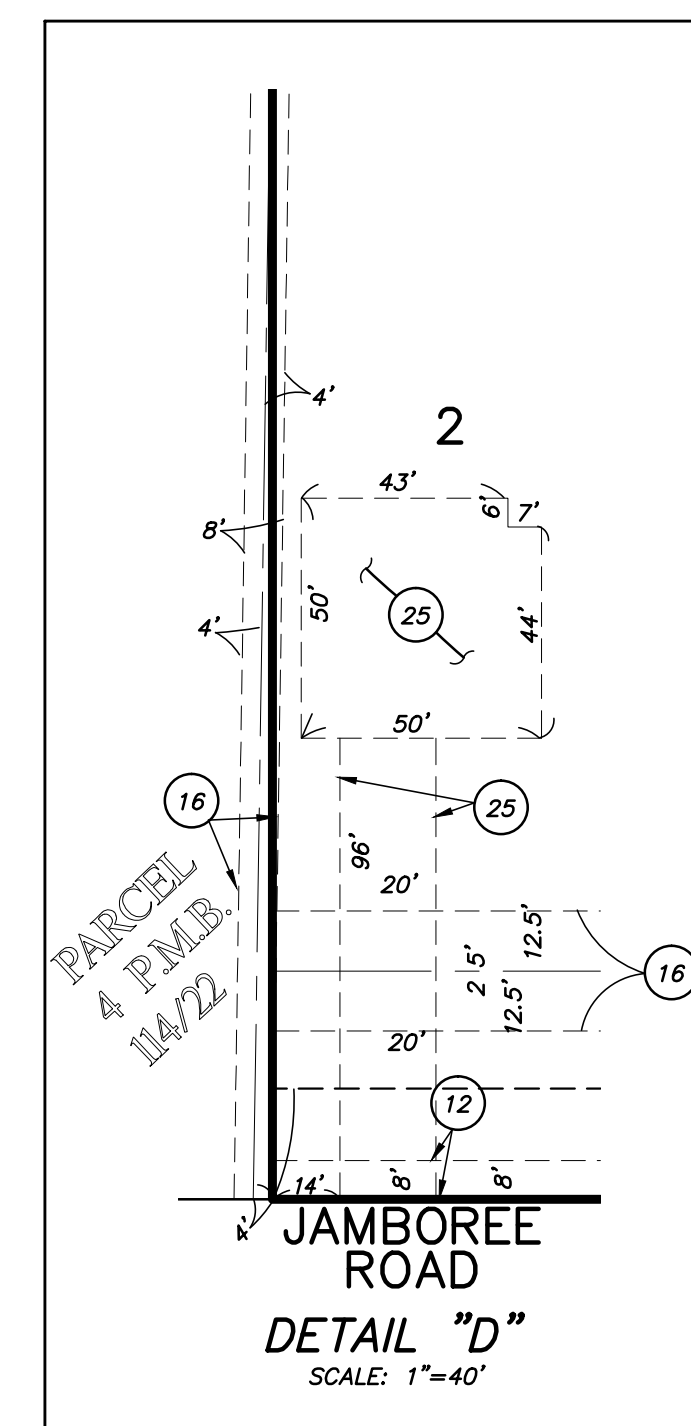
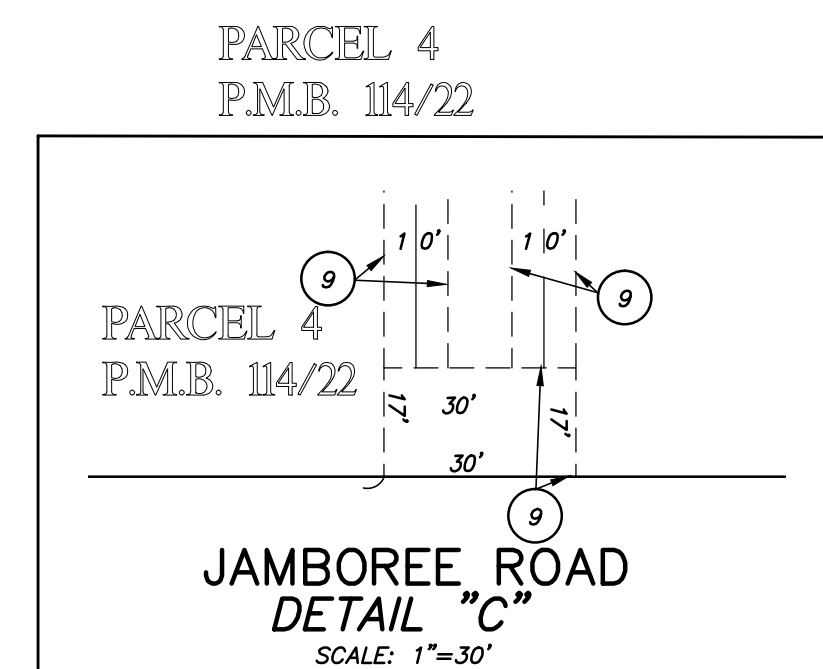
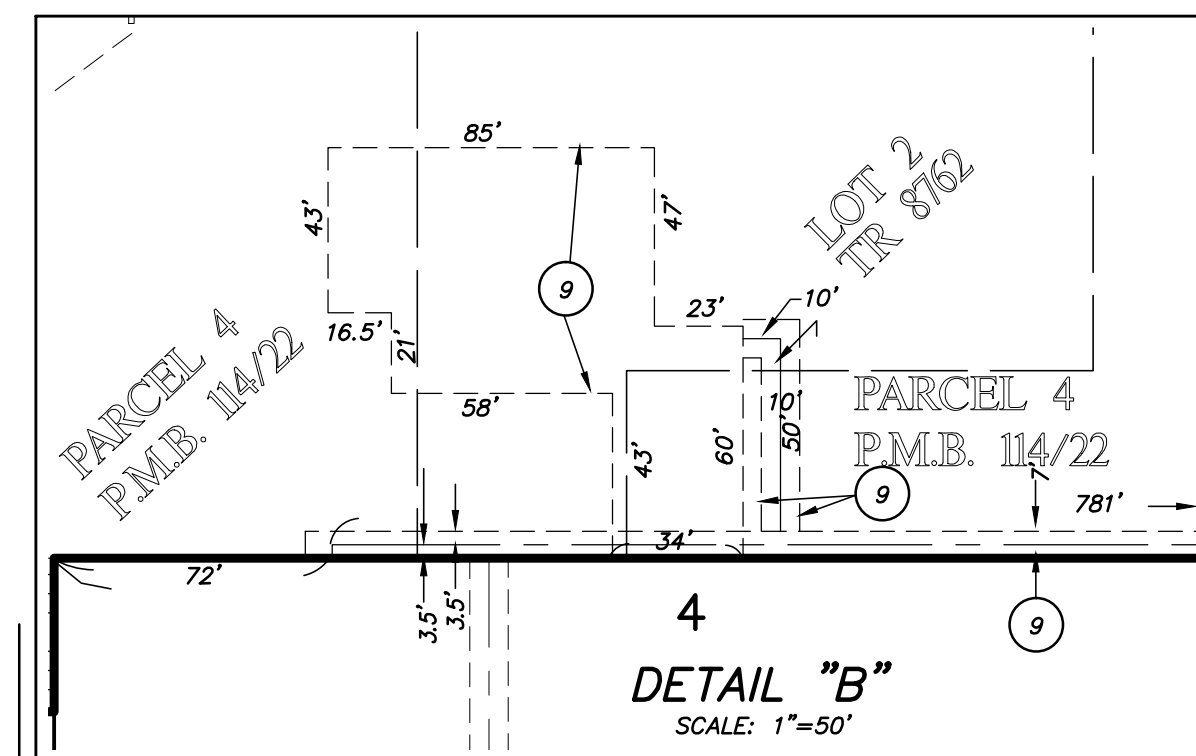
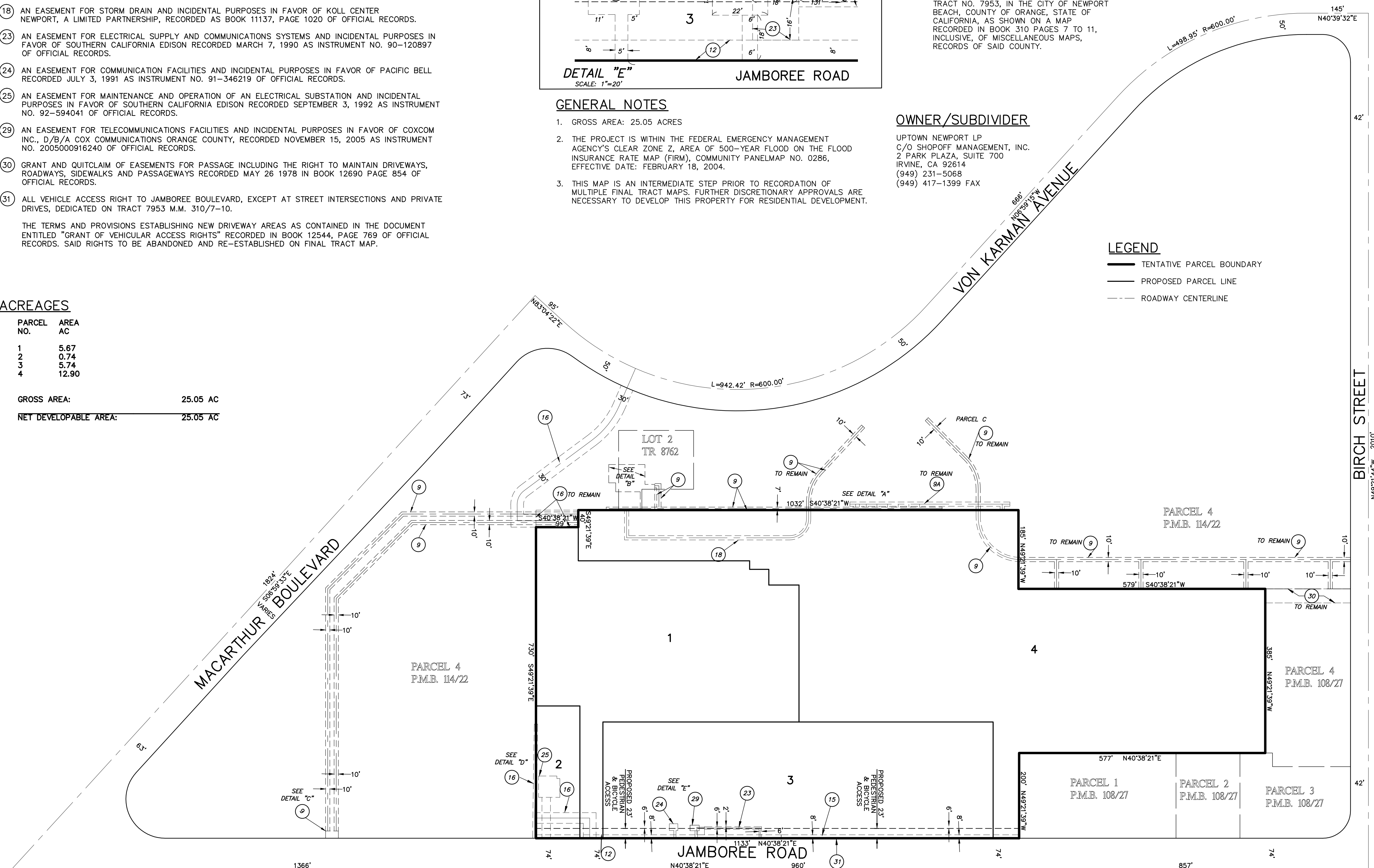
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA



1. GROSS AREA: 25.05 ACRES
2. THE PROJECT IS WITHIN THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S CLEAR ZONE 2, AREA OF 500-YEAR FLOOD ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANELMAP NO. 0286, EFFECTIVE DATE: FEBRUARY 18, 2004.
3. THIS MAP IS AN INTERMEDIATE STEP PRIOR TO RECODIFICATION OF MULTIPLE TRACT MAPS. FURTHER DISCRETIONARY APPROVALS ARE NECESSARY TO DEVELOP THIS PROJECT FOR RESIDENTIAL DEVELOPMENT.

BEING A SUBDIVISION OF LOTS 1 AND 2 OF
TRACT NO. 7953, IN THE CITY OF NEWPORT
BEACH, COUNTY OF ORANGE, STATE OF
CALIFORNIA, AS SHOWN ON A MAP
RECORDED IN BOOK 310 PAGES 7 TO 11,
INCLUSIVE, OF MISCELLANEOUS MAPS,
RECORDS OF SAID COUNTY.

UPTOWN NEWPORT LP
C/O SHOPOFF MANAGEMENT, INC
2 PARK PLAZA, SUITE 700
IRVINE, CA 92614
(949) 231-5068
(949) 417-1399 FAX

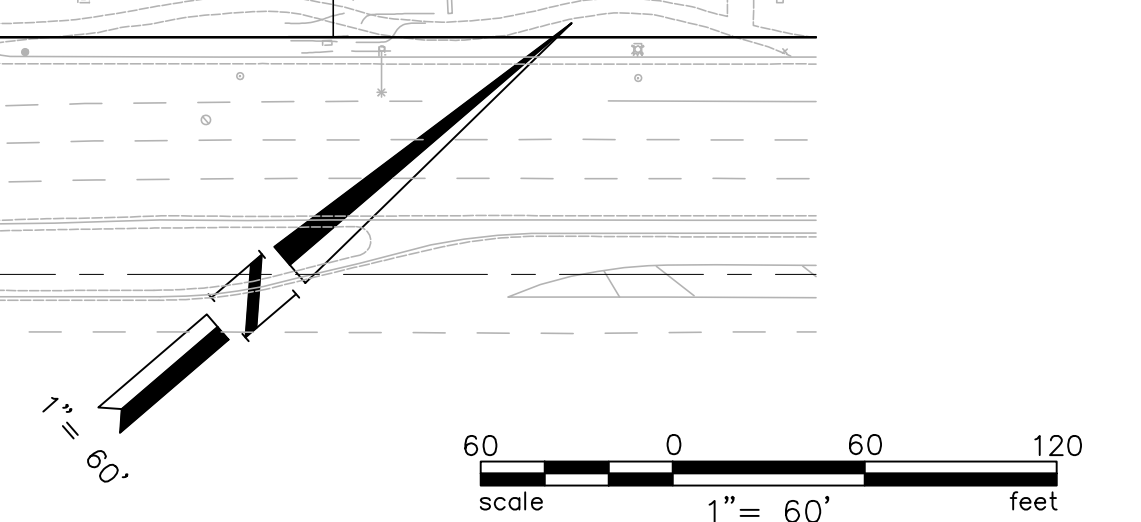


NO.	DESCRIPTION	DATE BY
REVISIONS		



CITY OF NEWPORT BEACH				FILE NO.
TENTATIVE PARCEL MAP 2013-108 APN: 445-131-02 & -03 UPTOWN NEWPORT PA2011-134				DRAWING NO.
SCALE 1"=120'	DATE 05/22/13	DRAWN BY RLM	DESIGNED BY JA & EO	SHEET 1 OF 2

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA



 TENTATIVE PARCEL BOUNDARY
 PROPOSED PARCEL LINE
 ROADWAY CENTERLINE

NO.	DESCRIPTION	DATE	BY
REVISIONS			



 **Hall & Foreman, Inc.**
Engineering • Planning • Surveying
17782 17TH ST, SUITE 200 • TUSTIN, CA 92780-1947 • 714-665-4500

PREPARED UNDER THE SUPERVISION OF: John C. Hogan 5/22/13
JOHN C. HOGAN DATE

TENTATIVE PARCEL MAP 2013-108
APN: 445-131-02 & -03
UPTOWN NEWPORT
PA2011-134

SCALE 1"=60'	DATE 05/22/13	DRAWN BY RLM	DESIGNED BY JA & EO	SH 2
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DRAWING NO.

OF 2

COURTHOUSE PLAZA ASSOCIATION
5100 BIRCH STREET, NEWPORT BEACH, CALIFORNIA 92660
(949) 833-1972 FAX (949) 851-2055

June 13, 2013

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Zoning Administrator Hearing
Uptown Newport Parcel Map
Newport Beach, California

Dear Ms. Ung:

I am submitting these comments as President of Courthouse Plaza Association. This association includes 5100, 5120, 5140 and 5160 Birch Street.

The existing Jazz facility has access to Birch Street via a private easement across association property. The proposed subdivision will create two additional parcels, and potentially two additional owners, which could access the Birch Street easement. This will result in an increased burden on the easement area. We are opposed to any subdivision of the existing parcels which increases traffic across the Birch Street easement and provides access to the easement to additional parcels/owners.

Sincerely,

COURTHOUSE PLAZA ASSOCIATION

A handwritten signature in cursive script, appearing to read "John S. Adams".

John S. Adams